

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSMOS GRANITE (WEST), LLC, a
Washington limited liability company,

Plaintiff,

v.

MINAGREX CORPORATION, d/b/a MGX
Stone,

Defendant.

CASE NO. C19-1697RSM

ORDER RE: MOTIONS TO SEAL

This matter comes before the Court on Defendant's "Motion to Seal the CGM Organization Chart," Dkt. #86, and Plaintiff's "Motion to Seal Exhibits G, H, J, L & M," Dkt. #92.

"There is a strong presumption of public access to the court's files." LCR 5(g). "Only in rare circumstances should a party file a motion, opposition, or reply under seal." LCR 5(g)(5). Normally the moving party must include "a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations where necessary." LCR 5(g)(3)(B). However:

Where parties have entered a litigation agreement or stipulated protective order (see LCR 26(c)(2)) governing the exchange in discovery of documents that a party deems confidential, a party

1 wishing to file a confidential document it obtained from another
2 party in discovery may file a motion to seal but need not satisfy
3 subpart (3)(B) above. Instead, the party who designated the
document confidential must satisfy subpart (3)(B) in its response to
the motion to seal or in a stipulated motion.

4 LCR 5(g)(3). A “good cause” showing under Rule 26(c) will suffice to keep sealed records
5 attached to non-dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172,
6 1180 (9th Cir. 2006) (internal citations omitted).

7 The Court will address Defendant’s Motion first. The Court notes that the exhibit at
8 issue was submitted in support of a Motion that has been stricken by Minute Order. *See* Dkt.
9 #94. Typically, the Court would deny this Motion to Seal as moot. However, given the chance
10 this exhibit could be referenced in the future by either party the Court will issue a substantive
11 ruling. Plaintiff has submitted a response brief with compelling reasons for sealing this exhibit,
12 including that this exhibit contains confidential and proprietary business information relating to
13 the ownership and control of Plaintiff, a non-public company. *See* Dkt. #98. The Court finds
14 good cause to seal this filing.

15 Plaintiff’s Motion asks to seal documents designated by Defendant as confidential
16 under a stipulated protective order. Dkt. #92. Plaintiff sets forth no basis to seal these
17 documents, and, consistent with LCR 5(g), correctly places the burden for demonstrating good
18 cause on Defendant. Defendant has not filed a response to this Motion. Accordingly, the Court
19 has no basis to seal these documents and, given the strong presumption of public access to the
20 Court’s files, will deny this Motion and order these documents unsealed.

21 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
22 finds and ORDERS:

23 1. Defendant’s “Motion to Seal the CGM Organization Chart,” Dkt. #86, is

24 GRANTED. The exhibit filed at Dkt. #89 shall remain under seal.

1 2. Plaintiff's "Motion to Seal Exhibits G, H, J, L & M," Dkt. #92, is DENIED. The
2 exhibits found at Dkt. #93 shall be unsealed immediately.

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4 DATED this 29th day of July, 2021.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT JUDGE
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